

## **Taunton Conservation Commission Minutes March 21, 2016**

Present: Chair Steven Turner, Vice Chair Neil Kelly, Commissioners Ernest Enos, Marla Isaac, Debra Botellio, Luis Freitas, and Renwick Chapman.

Motion to approve the minutes of February 22, 2016, DB, second LF, so voted.

### **Continued Certificate of Compliance**

1. **155 Duffy Drive, Butterfield, (COC), SE73-2464** Request for a continue to the next meeting. Motion to continue to April 11. 2016, DB, second NK, so voted.

### **Certificate of Compliance**

1. **310 Broadway, Kehoe, (COC), SE73-2185** Field report states that this project was issued an order of conditions on 6/21/06 and an Extension through 6/21/16 for the construction of a Cumberland Farms store with gas sales at the above address. No work has been started on this project and the applicant is requesting a COC to close the filing as the property has been sold. MR recommends that the TCC issue a COC to close this file. As a note: During rainstorms, the stormwater flows down the northern slope onto #314 Broadway. This has caused erosion and during the winter months, icing in the rear of this adjacent property. The stormwater entering the detention basin is untreated as well. MR recommends that the owners of both properties meet to discuss a solution that would redirect this stormwater to the detention basin through a catchbasin located on #310 and which then flows through a pipe to the detention basin. This would alleviate the erosion, sediment and icing issues on #314. MR spoke with the owner of #314 Broadway and he made this suggestion so that he doesn't have to continually repair the slope along the property line. Motion to issue the COC, DB, second RC, so voted. Motion to have MR speak with owner, DB, second MI, so voted.
2. **314 Broadway, LeClair, (COC), SE73-2380** Field report states that this project was for the construction of a new 6000 square foot building, keeping the existing 1100 square foot building, and construction of a 20,000 square foot parking and driveway area. In addition, a small portion of the ILSF (2,249 square feet) was filled along the southwest portion of the site and 6,204 square feet added to the northern portion of the ILSF, with associated grading, for stormwater management. The old building was razed and a new 15,200 square foot building built with associated grading, parking and stormwater management system. This work has been

conducted in significant compliance to the order of conditions issued on 9/9/09. MR recommends that the TCC issue a COC for this project. As a note: During rainstorms, stormwater flows down the northern slope from #310 onto #314 Broadway. This has caused erosion and during the winter months, icing in the rear of this property. The stormwater entering the detention basin is untreated as well. MR recommends that the owners of both properties meet to discuss a solution that would redirect this stormwater to the detention basin through a catchbasin located on #310 and which then flows through a pipe to the detention basin. This would alleviate the erosion, sediment and icing issues on #314. MR spoke with the owner of #314 Broadway and he made this suggestion so that he doesn't have to continually repair the slope along the property line. Present for the applicant, Bryon Holmes. Motion to approve the COC, DB, second RC, so voted. Holmes said he has been speaking with the new owners engineer.

- 3. Prospect Hill Street, MB Development Trust, (COC), SE73-2401** Field report states that this project was for the construction of 14 single family dwellings on a single parcel of land with associated driveways, utilities, and stormwater management. All work within jurisdiction has been completed in significant compliance to the order of conditions issued on 11/23/10. Changes include:

- a. House footprints are within parameters, although differ from the original plan;
- b. The wall at the end of Dornoch Road was eliminated and the road graded near the end of the pavement;
- c. Silt fence is still up due to some work outside the buffer zone still in progress. This will be taken up in the summer once all work has stopped and areas are stable.

MR recommends that the TCC issue a COC for this project. Present Joe Lynch for the applicant. Motion to approve COC, RC, second DB, so voted.

## **Public Meeting**

- 1. 1681B Bay Street (20-9), Lopes, (RDA), DSE-1123** Field report states that this project is for a septic system replacement to include abandoning the failed system and installing a new 1500 gallon tank and soil absorption system (SAS). This property abuts Sabbatia Lake and an associated BVW between the lake and the project site was flagged by Earth Services Crop. in February, 2016. The flags were not numbered so MR has assigned numbers 1-5 from east to northwest on the master plan. MR is in agreement with the flagging. An erosion control barrier is shown on the plan and is at least 47 feet from the wetland. Grading falls within 51 feet while the SAS is a minimum of 52 feet from the BVW. The work as presented should not impact the adjacent wetland therefore MR recommends that the TCC approve the project and issue a negative determination to include the attached special conditions. In addition, MR recommends that the wetland flagging be approved with flags 1, 3, and 5, and flags 2 and 4 for reference purposes only. Present Karen and Michael Patenaude for the applicant. Motion to issue a

negative determination with special conditions 1, 2, 3, 4, 7, 8, 12, 14, 18, and 19, RC, second DB, so voted.

## Public Hearing

1. **Winthrop Street (90-6), Hinton, (NOI), SE73-2648** Field report states that this filing is for the proposed construction of a car wash, convenience store, two fueling stations-one for cars, the other for trucks, utilities, and associated grading. This site was previously reviewed for a similar project but the order of conditions expired and the site has since been sold. The scope of the project which falls into conservation jurisdiction includes a small section of the store, half of the car wash building, the diesel fueling stations and storage tanks, pavement, retaining wall, guardrail, an detention basin. This project is a larger undertaking than the previous filing as it includes a car wash and an additional fueling station for trucks. In addition, the current project infringes on the 25-foot WPZ for approximately 182 feet, and will result in approximately 3,640 square feet of permanent disturbance. The following falls within this zone:
  - a. A 6' solid vinyl stockade fence;
  - b. Wooden guardrail;
  - c. Versalok retaining wall-this comes within 2 feet of the wetland;
  - d. Concrete curbing; and
  - e. Pavement

This is far too much disturbance within the WPZ, especially with the retaining wall coming so close to the wetland. In discussion with the City Engineer, it was suggested that everything be pulled in 15 feet along the lower western property line as the trucks do not require that much space to exit. This was determined using a truck turning template (both WB50 and WB62 were used). That being said, currently, both size trucks would have a difficult time exiting the innermost fueling station, but all would be able to exit from the outermost station. The Taunton Conservation By-Law, as it pertains to the WPZ, states that "WPZ greater than 25 feet minimum will be required in the following situations: 1...2. Project in which a significant portion of the lot will be converted into impervious surface;...". It further states that "under certain circumstances, the Commission has the discretion to allow work within the WPZ if the applicant has demonstrated, by a preponderance of evidence, to the Commission that the work will not negatively impact the BVW, vernal pool, lake, pond, river, or other areas the 25-foot WPZ protects:. In this case there is no such evidence, and a very real concern that the proximity of the retaining wall to the wetland would negatively impact the wetland. Other environmental concerns to consider include:

- the waste water generated by the car wash: where will this water be directed and Pretreated?
- the encasement of the diesel fuel storage tanks.

This project is considered a redevelopment as the site has been previously prepared for the

other project and is currently used for storage of construction equipment. MR recommends that an O&M Plan be submitted for the record as well as a construction schedule. A copy of NPDES Permit must be submitted prior to any construction. A plan showing the watersheds associated with this property are missing from the drainage report. The pre and post construction summaries (pages 7 & 8 of the Drainage Report) do not match up. There is over an acre of area missing from the calculations and the report does not address that the entire site will be paved which has a larger Cn (.98). MR recommends that the TCC continue this filing to 4/11/16 so that the applicant can make appropriate changes to the plan to decrease the impact to the WPZ and submit drainage calculations and the map of associated watersheds. The engineer provided two revised plans to address concerns prior to the meeting; however, this may have not been sufficient time for the commission to review the most current changes. If the commission votes to approve this project, then MR recommends the addition of the attached special conditions. Present John Desousa Seacoast Engineering representing the applicant. John stated they have been considering revamping the area in question and the owner is also thinking of not doing the diesel part. He is not 100% on removing the diesel tanks yet but pulling canopy into where MR suggested is going to be done. It will bring them out of the WPZ. MR said it would be better if they were completely out of the 25 foot by moving everything to the west. Then they will be at least 25 feet out of the WPZ. RC too much development on the lot, recommends a shift west too. John said maybe move west 5 feet not sure about 8-10 feet. He still has to make sure Planning Board approves and DIRB meeting is coming up. RC what if Planning says no? MR could do an extent practicable. Motion to continue to 4/11/16, DB, second MI, so voted. RC thought commercial is actually supposed to be 100 feet not 25 so they TCC is already giving them some leeway. DB not voting for it if not out of the 25 foot, RC not voting for this project at all. MI what is the plan? Oil/Water separator? Nothing is in the plans on this. Yes they are working on them. They are planning hooded catch basins and manholes too. RC treatment units should be used, needs to see this will recommend checking DEP's regs. John said he knows that they have to have TSS removals at 90%. MR drainage sheet-move outlet to the west corner-would take longer to get out. ST acre of missing land? Vlad the engineer is reviewing it today. RC changes plans totally? John said after DIRB they will incorporate all the changes requested from the boards. Then they will meet with Planning on 4/7/16. Not sure this will all make it to TCC in time for commission to review, probably not. Decided that revised plans be submitted to TCC after they have met with DIRB and revised them (before Planning Board meeting) so TCC has time to review.

2. **Briggs Street (Lot 1), Hopgood/Clarewood Homes, (NOI), SE73-2637** Field report states that this project is for the construction of a single family house with attached garage, deck, utilities, and associated grading. The wetlands were approved and issued an ORAD on 10/9/15. Some of the work within the lot falls inside the Commission's 25 foot WPZ. The siltation barrier is depicted at least 10 feet from the wetland and is considered the limit of work. Grading comes to within 12 feet and the northwest corner of the house is 21 feet from the BVW. The concrete washout area and dewatering area are shown at the front of the property, the farthest they can be from the wetland. The wetland is about 40% of the property, or approximately 8,028 square

feet, making it difficult to meet the Commission's 25 foot no touch zone, or WPZ, while meeting the City's Zoning Ordinances regarding setbacks. The house will be raised 3.5 feet higher than the original grade and the top of foundation will be 5.5 feet higher than the grade of the wetland. The finished project will have a very small rear yard (from 10-15 feet of lawn leaving about 5 feet of untouched buffer) and there should be no further changes made to the remaining buffer zone (perpetual condition). MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. Present Karen and Michael Patenaude for the applicant. Karen said they did try to move the house as far forward as possible. They are restricted by the width of usable land on the lot. RC when was the lot created? Last fall. RC too much going on here, maybe a smaller project or put this lot back into Lot 2. Doesn't meet the hardship, they have created their own hardship. Karen stated it met with all of the requirements with zoning. NK in front it shows 26 feet and they need to be at 25, can they move the house forward 1 foot? Karen agreed to this. MR said could go 14 feet off to the right, deck would still be in the 25 foot though. ST move over 14 feet, ok with deck, and up 1 foot. NK instead of a 12X14 deck, maybe do a 10X12? Karen said they would do that. RC still against this even with the changes. Motion to approve with changes- move house 14 feet to the right, and 1 foot forward, and change size of deck from 12X14 to 10X12, NK, second LF, vote taken. 2 in favor, 4 against, motion fails. RC would not approve anything without a new plan, there are major changes here. DB said definitely major changes. MR if changes done will it be out of WPZ? Karen said the deck will be right on the 25 foot and grading would be quite a drop, maybe could get 15 foot no touch if they did something with the grading to be more gradual. Motion to continue to 4/11/16, RC, second MI, so voted.

3. **Briggs Street (Lot 2), Hopgood/Clarewood Homes, (NOI), SE73-2638** Field report states that this project is for the construction of a single family ranch-style house with attached garage, deck, utilities, and associated grading, and is adjacent to and east of the previous filing (Lot 1). The wetlands were approved and issued an ORAD on 10-19-15. All work is outside the Commission's 25 foot WPZ. The siltation barrier is depicted along the WPZ line and is considered the limit of work. Grading is at least 38 feet from the BVW while the northwest corner of the house is 48 feet away. The concrete washout area and dewatering area are shown at the front of the property, outside the 100 foot buffer zone. The garage floor will be four feet higher than the initial elevation of the wetland and the top of foundation will be 6.5 feet higher than the grade of the wetland. The rear yard will be larger than that found on Lot 1 and there should be no further alteration to the buffer zone in the future (in perpetuity). The work as proposed should not impact the wetland or adjacent properties. MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. Present for the applicant Karen and Michael Patenaude. Motion to approve with special conditions 1, 2, 3, 4, 5, 8, 15, 16, 17, 18, 19, 21, 25, 26, 27, and 28-no further alterations to the buffer zone (in perpetuity), RC, second DB, so voted.
4. **Briggs Street (Lot 6), Hopgood/Clarewood Homes, (NOI), SE73-2642** Field report states that this project is for the construction of a single family home with attached garage, deck, utilities, and associated grading, and is on the north side of Briggs Street with Silver Street (paper street) along the eastern property line. The wetlands were approved and issued an ORAD on 10-19-15.

A locally jurisdictional ILSF is in the front of this property and will be altered for the construction of the swale, driveway, and associated grading. This may be allowed "...if the applicant demonstrates a legitimate hardship and an appropriate mitigation plan is proposed." The applicant and his engineers have been negotiating with the neighbors regarding construction on this lot. The proposed house is further back on the lot and the driveway is located on the left side to appease the neighbor's requests. In addition, a series of 6 white pines will be planted along the eastern sideline to create a natural screen for additional privacy. A swale is proposed to convey stormwater to a catch basin rather than the existing condition of running into the swale. This swale is an appropriate mitigation to compensate for the filling of the ILSF. The majority of the work is outside the 100 foot buffer zone of the BVW located in the rear of the property. The siltation barrier is depicted 40 feet from the wetland and is considered the limit of work. Grading for the grass swale along the western property sideline will be 69 feet from the existing roadway catch basin via a 50' 12" RCP. The concrete washout area and dewatering area are shown at the front of the property, outside the 100 foot buffer zone. This home will have a full basement with a floor elevation of 24.5. The garage floor will be at elevation 30.5. The work as proposed should not impact the wetland or adjacent properties. MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. Present for the applicant Karen and Michael Patenaude. Karen locally jurisdictional but not ILSF under state regs, this hole has become a dumping ground. Swale is designed to pick up all runoff, met with DPW and they agree. Abutters met with the applicant and the trees were added and the driveway moved. RC haybale line, can it be moved towards the house? Can it come forward 15 feet from the swale and cut across, come midway between contour 29 and 30? Karen agreed to that. Abutters spoke, Brian and Marta Grant just present to make sure that what was discussed with them would be done. They are concerned that the buffer will be wiped out by a bulldozer, could they maybe do it in a more gentler way? Motion to approve with special conditions 1, 2, 3, 4, 5, 7, 8, 15, 16, 17, 19, 21, 25, 26, 27, 28-to use a gentle tree cutting, 29-move the haybale line closer to the house somewhere between contour 29 & 30, RC, second DB, so voted.

5. **Mello's Farm Road (Lot 5), Bairos/ALE Realty Trust, (NOI), SE73-2640** Field report states that this project is for the construction of a single family home with utilities, driveway, deck/patio, and associated grading. The wetlands were delineated and approved under DEP file number SE73-2085 and MR re-verified the line during her site visit on March 14<sup>th</sup>. A siltation barrier is already in place and is at least 25 feet from the edge of the BVW. This is the limit of work. Much of the construction on this home is outside the 100 foot buffer zone. There is grading that falls within 60 feet of the BVW and will be the closest disturbance. The house will have city water and sewer, with a pump chamber in the front of the property. Both the concrete washout area and the dewatering area will be outside the 100 foot buffer zone. The work as presented will not negatively impact the adjacent wetland, therefore MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. MR also recommends that the TCC re-approve the wetland line, flags 32 to flag 28. Present Karen and Michael Patenaude for the applicant. RC haybales already in place? Yes. RC can it come forward? Its 30-35 feet from the deck to the line already. RC ok with that then. Motion

to approve with special conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 16, 17, 19, 21, 24, 25, 26, and 27, DB, second MI, so voted.

6. **Mello's Farm Road (Lot 6), Bairos/ALE Trust Realty, (NOI), SE73-2639** Field report states that this project is for the construction of a single family home with utilities, driveway, deck/patio, and associated grading. The wetlands were delineated and approved under DEP file number SE73-2085 and MR re-verified the line during her site visit on March 14<sup>th</sup>. This property is adjacent to Lot #5 which is along the westerly sideline. A siltation barrier is already in place and is at least 30 feet from the edge of the BVW. This is considered the limit of work. Grading falls within 37 feet of the wetland, while the deck is 71 feet away. There is a drainage easement running along the easterly sideline. This home will be on city water and sewer, with a pump chamber located in the front yard. The dewatering and concrete washout areas are outside the 100 foot buffer. The work as presented will not negatively impact the adjacent wetland, therefore MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. MR also recommends that the TCC re-approve the wetland line, flags 27 to flag 22. Present for the applicant, Karen and Michael Patenaude. Motion to approve with special conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 16, 17, 19, 21, 24, 25, 26, and 27, RC, second DB, so voted.
7. **4 Westcoat Drive, Young, (NOI), SE73-2641** Field report states that this project is for the construction of an 80' x 80' hangar, driveway, relocation of an existing swale and grading. The wetlands were delineated by Earth Services Corp. on December 15, 2015. MR reviewed the wetland line, which runs southwest to northeast behind the proposed hangar, and agrees with the placement of the flags, numbered 1 through 12. The existing swale will be removed and a new swale will be constructed 30 feet to the west along part of the driveway to the building site. The proposed hangar will be 23 feet from the wetland and grading for the building will be 6 feet from the wetland. This is too close and there is too much infringement into the 25 foot WPZ. If the proposed hangar were turned clockwise and moved to the east it would remove the building, as well as a greater portion of the grading, from the WPZ. The erosion control barrier could also move to adjust the limit of work. In discussion with the engineer, this suggestion may not be possible due to FAA and Taunton Airport regulations. Overall the project will be constructed on a currently disturbed area of the airport and will not negatively impact the adjacent wetland. MR recommends that the TCC approve the project, with possibly the proposed changes, to include the attached special conditions. MR also recommends that the TCC approve the wetland delineation, flags 1 through 12. Karen and Michael Patenaude present for the applicant. It cannot be turned clockwise, they met with the airport commission on this. They were told if moved clockwise it would be blocking access to the roadway which is a safety issue. They also thought of moving it in that 70 foot area but that is a FAA minimum and they cannot be in there. It also can't be made any smaller because the applicant has 2 planes and a helicopter. Motion to approve with special conditions 1, 2, 3, 4, 5, 6, 7, 8, 17, 19, 21, 25, 26, and 27, RC, second NK, so voted. Abutter Peter Coheno just present to hear what was proposed. They have some concerns that this is all heading towards increasing the airport size. MR will be happy to show them where the hangar is located online.

## Violations

1. **5 Riverside Avenue.** Neighbor complaining renters of this property are dumping household waste there. Owner had property manager go out and clean the whole site. They are watching and will set up cameras. Motion to continue to June 20, 2016, DB, second MI, so voted.

## Other Business

1. **Taunton Animal Shelter request to use Boyden.** Request use of Boyden on 6/12/16 from 8-4. Date is open. Motion to approve, advise area must be cleaned up when done, DB, second MI, so voted.
2. Peter Corr Sr. requested to remove some trees dead and sick hanging dangerously over home. MR gave permission.
3. **DOT Dean Street Tressle.** They will begin maintenance and work there, notifying TCC.
4. **Division of Marine and Fisheries.** They have been cleaning from Lake Rico to Furnace Brook. Asking for some volunteers to keep up the cleaning annually. MR thought maybe TRWA.
5. **Winthrop Street**-heard tonight. DB property to the left, can MR go out and take a look. Looks like some junk in or near wetland area.
6. **Request for larger plans for presentations, preferably in color.**

Motion to adjourn, DB, second RC, so voted. Meeting ended at 8pm.